

By Jim

S.B. No. 1058

A BILL TO BE ENTITLED

AN ACT

relating to validation of the creation of the Medina County Underground Water Conservation District and actions of the district.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITION. In this Act, "district" means the Medina County Underground Water Conservation District.

SECTION 2. VALIDATION. The creation of the district and all resolutions, orders, and other acts or attempted acts of the board of directors of the district are validated in all respects. The creation of the district and all resolutions, orders, and other acts or attempted acts of the board of directors of the district are valid as though they originally had been legally authorized or accomplished.

SECTION 3. PENDING LITIGATION. This Act does not apply to or affect litigation pending on the effective date of this Act in any court of competent jurisdiction in this state to which the district is a party.

SECTION 4. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its

1 By: Sims S.B. No. 1058
2 (In the Senate - Filed March 7, 1991; March 12, 1991, read
3 first time and referred to Committee on Natural Resources;
4 April 4, 1991, reported favorably by the following vote: Yeas 6,
5 Nays 0; April 4, 1991, sent to printer.)

6 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
7 Sims	x			
8 Truan				x
9 Armbrister	x			
10 Barrientos				x
11 Brown	x			
12 Carriker				x
13 Lucio	x			
14 Ratliff				x
15 Rosson				x
16 Sibley	x			
17 Zaffirini	x			

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22 Underground Water Conservation District and actions of the
23 district.

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39 and the crowded condition of the calendars in both houses create an
40 emergency and an imperative public necessity that the
41 constitutional rule requiring bills to be read on three several
42 days in each house be suspended, and this rule is hereby suspended,
43 and that this Act take effect and be in force from and after its
44 passage, and it is so enacted.

45 * * * * *

46 Austin, Texas
47 April 4, 1991

48 Hon. Bob Bullock
49 President of the Senate

50 Sir:

51 We, your Committee on Natural Resources to which was referred S.B.
52 No. 1058, have had the same under consideration, and I am
53 instructed to report it back to the Senate with the recommendation
54 that it do pass and be printed.

55 Sims, Chairman

**FAVORABLE
SENATE COMMITTEE REPORT ON**

(SB)

SCR SJR SR HB HCR HJR

1054

By

Sims

(Author/Senate Sponsor)

4-4-91

(date of submission to Senate)

Lt. Governor Bob Bullock
President of the Senate

Sir:

We, your Committee on Natural Resources, to which was referred the attached measure,
have on 4-3-91, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Sims, Chairman	✓			
Truan, Vice Chairman			✓	
Armbrister	✓			
Barrientos			✓	
Brown	✓			
Carriker			✓	
Lucio	✓			
Ratliff			✓	
Rosson			✓	
Zaffirini	✓			
<u>Sibley</u>	✓			
TOTAL VOTES	<u>6</u>		<u>5</u>	

COMMITTEE ACTION

(S260) Considered in public hearing

(S270) Testimony taken

COMMITTEE CLERK

CHAIRMAN

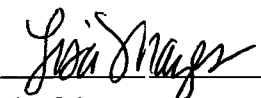
Paper clip the original and one copy of this signed form to the original bill
Deliver one copy of this form to the Calendar Clerk, Room 218 Capitol
Deliver one copy of this form to the Legislative Reference Library, Room 207B Capitol
Retain one copy of this form for Committee files

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

Hon. Bill Haley, Chairman
Administration Committee

Sir:

Notice is hereby given that SB 1058, by: Sims,
(Bill No.) (author)
was heard by the Committee on Natural Resources on 4-30 19 91,
and reported out with the recommendation that it be placed on the Local Uncontested Bills Calendar.


Clerk of the reporting committee

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL OR RESOLUTION, WHICH ALONG WITH 14 ADDITIONAL COPIES OF THE BILL OR RESOLUTION SHOULD BE DELIVERED TO ROOM 419. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS 5:00 P.M. FRIDAY.

Paper clip the original to the bill; retain one copy for reporting committee files; deliver one copy to the bill sponsor.

April 12 1991 Engrossed

Kathy Daw
Engrossing Clerk

1991 APR 16 AM 8:32

HOUSE REPRESENTATIVES

I certify that the attached is a true and correct
copy of SB 1058, which was
received from the Senate on APR 12 1991, and
referred to the Committee on Natural Resources
Betty Muessey
Chief Clerk of the House S.B. No. 1058

By: Sims
(Cate)

A BILL TO BE ENTITLED

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Underground Water Conservation District and actions of the
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days in each house be suspended, and this rule is hereby suspended,
and that this Act take effect and be in force from and after its

S.B. No. 1058

1 passage, and it is so enacted.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 18, 1991

**TO: Honorable Bill Sims, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas**

**IN RE: Senate Bill No. 1058
By: Sims**

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1058 (relating to validation of the creation of the Medina County Underground Water Conservation District and actions of the district) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, DF, DE

HOUSE COMMITTEE REPORT

91 APR 26 PM 9:34

HOUSE OF REPRESENTATIVES

1st Printing

By: Sims

S.B. No. 1058

(Cate)

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COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

April 22, 1991
(date)

Sir:
We, your COMMITTEE ON NATURAL RESOURCES,
to whom was referred SB 1058 have had the same under consideration and beg to report
(measure)

back with the recommendation that it
(x) do pass, without amendment.
() do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
A fiscal note was requested. (x) yes () no An author's fiscal statement was requested. (x) yes () no
A criminal justice policy impact statement was requested. () yes (x) no
An equalized educational funding impact statement was requested. () yes (x) no
An actuarial analysis was requested. () yes (x) no
A water development policy impact statement was requested. () yes (x) no
A federal funds impact statement was requested. () yes (x) no
(x) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.
This measure (x) proposes new law. () amends existing law.
House Sponsor of Senate Measure Cate

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Lewis, R., Ch.	x			
Willy, V.C.	x			
Collazo, C.B.O.				x
Bosse	x			
Greenberg				x
Haggerty				x
Hilderbran	x			
Puente	x			
Yost	x			

Total
6 aye
0 nay
0 present, not voting
3 absent

Ron Lewis
CHAIRMAN
Deborah K. McCall
COMMITTEE COORDINATOR

SB 1058
By: Sims
H. Sponsor: Cate

Committee on
Natural Resources

BILL ANALYSIS

BACKGROUND

The people of Medina County formed the Medina County Underground Water Conservation District without authorization from the Texas Water Commission or the Legislature. All proper steps were taken except that the district was not officially formed through legislation or by the Texas Water Commission. This bill seeks to validate the Medina County Underground Water Conservation District.

PURPOSE OF THE BILL

As proposed, SB 1058 validates the Medina County Underground Water Conservation District.

SECTION BY SECTION ANALYSIS

SECTION 1. Defines "district."

SECTION 2. Validates district creation and all acts of the board of directors.

SECTION 3. Provides that this Act does not apply to pending litigation.

SECTION 4. Emergency clause. Effective date: upon passage.

RULEMAKING AUTHORITY

It is the opinion of this committee that this bill does not delegate rulemaking authority to any state agency, officer, department, or institution.

SUMMARY OF COMMITTEE ACTION

HB 2370 was referred directly to subcommittee on March 26, 1991. Notice was posted in accordance with House Rules, and HB 2370 was heard in a public hearing of the subcommittee on April 16, 1991. Testimony was taken in support of the bill. A witness was present in favor, but did not testify on the bill. SB 1058 was laid out as the senate companion to HB 2370. The motion to report SB 1058 in lieu of HB 2370 favorably back to the full committee carried by a vote of 3 ayes, 0 nay, 0 PNV and 0 absent. The subcommittee report on SB 1058 was taken up at a public hearing of the full committee on April 22, 1991. No witnesses were present on the bill. The motion to report SB 1058 favorably back to the full House with the recommendation that it be place on the Local and Consent calendar carried by a vote of 6 ayes, 0 nay, 0 PNV and 3 absent.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

April 17, 1991

TO: Honorable Ron Lewis, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

IN RE: Senate Bill No. 1058,
as engrossed
By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1058, as engrossed (relating to validation of the creation of the Medina County Underground Water Conservation District and actions of the district) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, DF, AS

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

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Source: LBB Staff: JO, JWH, DF, DE

STATE of TEXAS
HOUSE of REPRESENTATIVES



Tom Cate

April 15, 1991

The Honorable Ron Lewis
Chairman
Natural Resources Committee
Reagan Building, Room 214

RE: Fiscal Note, Senate Bill No. 1058

Dear Chairman Lewis:

In response to your request for a Fiscal Note on Senate Bill No. 1058 (relating to validation of the creation of the Medina County Underground Water Conservation District), I have determined the following:

1. Cost to State Government: no fiscal implication
2. Cost to Medina Co. Government: no fiscal implication
3. Fiscal Year Projections:

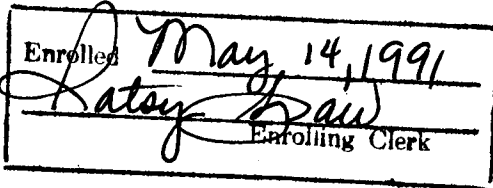
1991.....no cost is anticipated.
1992.....no cost is anticipated.
1993.....no cost is anticipated.
1994.....no cost is anticipated.
1995.....no cost is anticipated.

Respectfully submitted,

A handwritten signature in cursive script that reads "Tom Cate".

TOM CATE

CAPITOL ADDRESS:
P.O. BOX 2910 • AUSTIN, TEXAS 78768-2910 • 512 463-0516
DISTRICT 45:
ATASCOSA • BANDERA • FRIO • LIVE OAK • MEDINA • WILSON



S.B. No. 1058

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12
5
cc

S.B. No. 1058

1 passage, and it is so enacted.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1058 passed the Senate on April 12, 1991, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1058 passed the House on May 14, 1991, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

BILL ANALYSIS

Senate Research Center

S.B. 1058
By: Sims
Natural Resources
05-30-91
Enrolled

BACKGROUND

In 1988, Medina County broke away from being a part of the Edwards Underground Water District. It then attempted to establish an underground water district through the Medina County Commissioners Court by a countywide election. Medina County voters confirmed the creation of the district on November 7, 1989, by a vote of 1,898 for confirmation and 568 against.

However, the election was not officially recognized and, therefore, the district was not legally validated.

PURPOSE

As proposed, S.B. 1058 validates the creation and actions of the Medina County Underground Water Conservation District.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. DEFINITION. Defines "district."

SECTION 2. VALIDATION. Validates the creation of the district and the acts of the board of directors of the district.

SECTION 3. PENDING LITIGATION. Provides that this Act does not affect litigation pending on the effective date of this Act to which the district is a party.

SECTION 4. EMERGENCY. Emergency clause.
Effective date: upon passage.

LEGISLATIVE BUDGET BOARD
Austin, Texas

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Committee on Natural Resources
House of Representatives
Austin, Texas

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Austin, Texas**

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Senate Chamber
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Source: LBB Staff: JO, JWH, DF, DE

STATE of TEXAS
HOUSE of REPRESENTATIVES



Tom Cate

April 15, 1991

The Honorable Ron Lewis
Chairman
Natural Resources Committee
Reagan Building, Room 214

RE: Fiscal Note, Senate Bill No. 1058

Dear Chairman Lewis:

In response to your request for a Fiscal Note on Senate Bill No. 1058 (relating to validation of the creation of the Medina County Underground Water Conservation District), I have determined the following:

1. Cost to State Government: no fiscal implication
2. Cost to Medina Co. Government: no fiscal implication
3. Fiscal Year Projections:
 - 1991.....no cost is anticipated.
 - 1992.....no cost is anticipated.
 - 1993.....no cost is anticipated.
 - 1994.....no cost is anticipated.
 - 1995.....no cost is anticipated.

Respectfully submitted,

A handwritten signature in cursive script that reads "Tom Cate".

TOM CATE

CAPITOL ADDRESS:
P.O. BOX 2910 • AUSTIN, TEXAS 78768-2910 • 512 463-0516
DISTRICT 45:
ATASCOSA • BANDERA • FRIO • LIVE OAK • MEDINA • WILSON

3/4cert

President of the Senate Speaker of the House

I hereby certify that S.B. No. 1058 passed the Senate on
April 12, 1991, by the following vote: Yeas 31,
Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1058 passed the House on
May 14, 1991, by a non-record vote.
6 Nays

Chief Clerk of the House

Approved:

Date

Governor

S.B. No.

1058

By

James

AN ACT:

A BILL TO BE ENTITLED

relating to validation of the creation of the Medina County Underground Water Conservation District and actions of the district.

3-7-91

MAR 12 1991

Filed with the Secretary of the Senate

APR 4 1991

Read and referred to Committee on NATURAL RESOURCES

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

APR 12 1991

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by:

{ unanimous consent

_____ yeas, _____ nays

APR 12 1991

Read second time, _____, and ordered engrossed by:

{ unanimous consent
a viva voce vote

_____ yeas, _____ nays

APR 12 1991

Caption ordered amended to conform to the body of the bill.

Senate and Constitutional 3 Day Rule suspended by a vote of 31 yeas, 0 nays.

APR 12 1991

Read third time, _____, and passed by:

{ A viva voce vote

31 yeas, 0 nays

Betty King

SECRETARY OF THE SENATE

OTHER ACTION:

April 12, 1991 Engrossed

April 12, 1991 Sent to House

Engrossing Clerk

Patsy Bau

APR 12 1991

Received from the Senate

APR 15 1991

Read first time and referred to Committee on

Natural Resources

APR 22 1991

Reported favorably amended, sent to Printer at

5:45p

APR 26 1991

APR 26 1991

Printed and Distributed

9:34p

APR 29 1991

Sent to Committee on Calendars

8:46am

MAY 14 1991

Read Second time (~~amended~~): passed to third reading (~~failed~~)

by (Non-Record Vote) Record Vote of _____ yeas, _____ nays _____ present not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays _____ present not voting.

MAY 14 1991

Read third time (~~amended~~): finally passed (~~failed~~) by a (Non-Record Vote) Record Vote of

_____ yeas, _____ nays _____ present not voting.

Caption ordered amended to conform to body of bill.

MAY 14 1991

Returned to Senate.

Betty Murray

CHIEF CLERK OF THE HOUSE

MAY 14 1991

Returned from House without amendment.

Returned from House with _____ amendments.

Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____, _____, and _____.

_____ House granted Senate request. House conferees appointed: _____, Chairman; _____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

91 APR 26 PM 9:34

HOUSE OF REPRESENTATIVES